PART IV

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Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 1900—L.W. 103-51-2, dated 10th August 1951.

The draft of the following Rules under the Industrial Employment (Standing Orders) Act, 1946, (*Central Act XX of 1946*), which it is proposed to make in exercise of the powers conferred by Section 15 of the said Act is hereby published for the information of all persons likely to be affected thereby, as required by the said section.

Objections or suggestions, if any, to the draft Rules may be forwarded to the Secretary to Government, Law Department, Public Offices, Bangalore, through the Commissioner of Labour in Mysore, for consideration so as to reach him not later than one month from the date of publication of this Notification in the *Mysore Gazette*.

THE MYSORE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES, 1951.

1. (1) These Rules may be called the Mysore Industrial Employment (Standing Orders) Rules, 1951.

(2) They extend to the whole of the State of Mysore.

2. In these Rules, unless there is anything repugnant in the subject or context :—

(*a*) "Act" means the Industrial Employment (Standing Orders) Act, 1946, (Central Act XX of 1946).

(*b*) "Form" means a form set out in Schedule II appended to these Rules.

3. The Model Standing Orders for the purposes of the Act shall be those set out in Schedule I appended to these Rules.

4. An application for certification of Standing Orders shall be made in Form I.

5. The prescribed particulars of workmen, for the purposes of sub-section (3) of Section 3 of the Act shall be :—

(1) Total number employed ;
(2) Number of permanent workmen ;
(3) Number of temporary workmen ;
(4) Number of badlis or substitutes ;
(5) Number of probationers ;
(6) Number of apprentices ;
(7) Name of the Trade Union or Trade Unions, if any, to which the workmen belong ;
(8) Remarks.

6. As soon as may be after he receives an application under Rule 4 in respect of an industrial establishment, the certifying officer shall:—

(*a*) where there is a trade union of the workmen, forward a copy of the draft Standing Orders to the trade union together with a notice in Form II.

(*b*) where there is no such trade union, call a meeting of the workmen to elect three representatives to whom he shall, upon their election, forward a copy of the draft Standing Orders together with a notice in Form II.

7. Standing Orders certified in pursuance of sub-section (3) of Section 5 or sub-section (2) of Section 6 of the Act shall be authenticated by the signature and seal of office of the certifying or appellate authority, as the case may be, and shall be forwarded by such officer or authority within a week of authentication by registered letter post to the employer and to the trade union or the representatives of the workmen elected in pursuance of rule 6 as the case may be.

8. The Register required to be maintained by Section 8 of the Act shall be in Form III and shall be properly bound and the certifying officer shall furnish a copy of Standing Orders approved for an industrial establishment to any person applying therefor on payment of a fee of rupee one a copy.

SCHEDULE I. S 14

MODEL STANDING ORDERS.

1. These orders shall come into force on .....

2. Classification of workmen —(a) Workmen shall be classified as:—

(1) Permanent,
(2) Probationers,
(3) Badlis,
(4) Temporary,
(5) Casual,
(6) Apprentices.

(*b*) A "permanent" workman is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationery period of three months in the same or another occupation in the industrial establishment including breaks due to sickness, accident, leave, lock-out, strike, (not being an illegal strike) or involuntary closure of the establishment.

(*c*) A "Probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months' service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationery period of three months, be reverted to his old permanent post.

(*d*) A "badli" is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent.

(*e*) A "temporary" workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.

(*f*) A "casual" workman is a workman whose employment is of a casual nature.

(*g*) An "apprentice" is a learner who is paid an allowance during the period of his training.

3. *Tickets.*—(1) Every workman shall be given a permanent ticket unless he is a probationer, badli, temporary worker or apprentice.

(2) Every permanent workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorised by the manager to inspect it.

(3) Every 'Badli' shall be provided with a badli card, on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains permanent employment.

(4) Every temporary workman shall be provided with a "temporary ticket" which he shall surrender on his discharge.

(5) Every casual worker shall be provided with a "casual" card, on which shall be entered the days on which he has worked in the establishment.

(6) Every apprentice shall be provided with an "apprentice" card, which shall be surrendered if he obtains permanent employment.

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4. *Publication of Working time.*—The periods and hours of work for all classes of workers in each shift shall be exhibited in English and in the principal languages of workmen employed in the establishment on notice boards maintained at or near the main entrance of the establishment and at the time-keeper's office, if any.

5. *Publication of holidays and pay days.*—Notices specifying.—

(*a*) the days observed by the establishment as holidays and

(*b*) pay days shall be posted on the said notice boards.

6. *Publication of Wage rates.*—Notices specifying the rates of wages payable to all classes of workmen and for all classes of work shall be displayed on the said notice boards.

7. *Shift Working.*—More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without one month's notice being given prior to such discontinuance provided that no such notice shall be necessary, if, as a result of the discontinuance of the shift, no permanent employee will be discharged. If, as a result of discontinuance of shift working, any permanent workmen are to be discharged, they shall be discharged, having regard to the length of their service in the establishment, those with the shortest term of service being discharged first. If shift working is re-started, a week's notice thereof shall be given by posting a notice at the main entrance of the establishment and the time-keeper's office, if any, and the workmen discharged as a result of the discontinuance of the shift, shall if they present themselves at the time of the re-starting of the shift, have preference in being re-employed having regard to the length of their previous service under the establishment, those with the longest term of service being re-employed first.

8. *Attendance and late coming.*—All workmen shall be at work at the establishment at the times fixed and notified under paragraph 4. Workmen attending late will be liable to deductions provided for in the Payment of Wages Act, 1936.

9. *Leave.*—(1) Holidays with pay will be allowed as provided for in Chapter VIII of the Factories Act, 1948, and other holidays in accordance with law, contract, custom and usage.

(2) A workman who desires to obtain leave of absence shall apply to the manager, who shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for, is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the worker. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave, desires an extension thereof, he shall apply to the manager, who shall send a written reply either granting or refusing extension of leave to the workman if his address is

available and if such reply is likely to reach him before the expiry of the leave originally granted to him.

(3) If the workman remains absent beyond the period of leave orginally granted or subsequently extended, he shall lose his lien on his appointment unless he (*a*) returns within eight days of the expiry of the leave and (*b*) explains to the satisfaction of the manager his inability to return before the expiry of his leave. In case the workman loses his lien on his appointment, he shall be entitled to be kept on the "badli" list.

10. *Casual Leave.*—A workman may be granted casual leave of absence with or without pay not exceeding ten days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in cases of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the department in the establishment shall be obtained before such leave is taken but when this is not possible, the head of the department shall, as soon as may be practicable, be informed in writing of the absence and of the probable duration of such absence.

11. *Payment of Wages.*—(1) Any wages, due to the workman but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wage pay-day in each week, which shall be notified on the notice boards as aforesaid.

(2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wage period in respect of which the wages are payable, according as the total number of workmen employed in the establishment does not or does exceed one thousand.

12. *Stoppage of work.*—(1) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.

(2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put upon the notice board in the department concerned, or at the office of the manager, as soon as practicable, when work will be resumed and whether they are to remain or leave their place of work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour the workmen so detained shall not be paid for the period of detention. If the period of detention exceeds one hour, the workmen so detained, shall be entitled to receive wages for the whole of the time during which they are detained as a result of the stoppage. In the case of piece-rate workers, the average daily earning for the previous month shall be taken to be the daily wage. No other compensation will be admissible in case of such stoppages. Wherever practicable, reasonable notice shall be given of resumption of normal work.

(3) In cases where workmen are laid off for short periods on account of failure of plant or a temporary curtailment of production, the period of unemployement, shall be treated as compulsory leave

either with or without pay, as the case may be. When, however, workmen have to be laid off for an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof.

(4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down either wholly or partially such section or department and any other section or department affected by such closing down. The fact of such closure shall be notified by notices put on the notice board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to resumption of work as to when work will be resumed.

13. (1) *Termination of employment*.—For terminating employment of a permanent workman, notice in writing shall be given either by the employer or the workman—one month's notice in the case of monthly rated workmen and two week's notice in the case of other workmen; one month's or two week's pay, as the case may be, may be paid in lieu of notice.

(2) No temporary workman whether monthly-rated, weekly-rated or piece-rated and no probationer or badli shall be entitled to any notice or pay in lieu thereof if his services are teminated, but the services of a temporary workman shall not be terminated as a punishment unless be has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed in paragraph 14.

(3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the date on which his employment is terminated.

14. *Disciplinary action for misconduct*.—A workman may be fined up to two per cent of his wages in a month for any of the following acts and omissions, namely:—

.....

.....

NOTE.—Specify the acts and omissions which the employer may notify with the previous approval of the State Government or of the prescribed authority in pursuance of section 8 of the Payment of Wages Act, 1936.

(2) A workman may be suspended for a period not exceeding four days at a time or dismissed without notice or any compensation in lieu of notice, if he is found to be guilty of misconduct.

(3) The following acts and omissions shall be treated as misconduct:—

(*a*) wilful insubordination or disobedience, whether alone or in combination with others to any lawful and reasonable order of his superior,

(*b*) theft, fraud, or dishonesty in connection with the employer's business or property,

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(c) wilful damage to or loss of employers' goods or property,

(d) taking or giving bribes or any illegal gratification,

(e) habitual absence without leave or absence without leave for more than ten days,

(f) habitual late attendance,

(g) habitual breach of any law applicable to the establishment.

(h) riotous or disorderly behaviour during working hours of the establishment or any act subversive of discipline,

(i) hibitual negligence or neglect of work,

(j) frequent repetition of any act of omission for which a fine may be imposed to maximum of two per cent of the wages in a month,

(k) striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law

(4) No order of dismissal shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him. The approval of the manager of the establishment or where there is no manager, of the employer is required in every case of dismissal and, when circumstances appear to warrant it, the manager or the employer may institute independent enquiries before dealing with charges against the workman.

(5) An order of suspension shall be in writing and my take effect immediately on delivery to the workman. Such order shall set out in detail the alleged misconduct and the workman shall be given an opportunity of explaining the circumstances alleged against him. If on enquiry the order is confirmed, the workman shall be deemed to have been absent from duty for the period of suspension and shall not be entitled to any remuneration for such period. If, however, the order is rescinded the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been suspended.

(6) In awarding punishment under this standing order, the manager shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating, circumstances that may exist. A copy of the order passed by the Manager shall be supplied to the workman concerned.

15. *Complaints.*—All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be submitted to the manager or other person specified in this behalf with a right of appeal to the employer.

16. *Certificate of termination of service.*—Every permanent workman shall be entitled to a Service Certificate at the time of his dismissal, discharges or retirement from service

17. *Liability of Manager.*—The manager of the establishment shall presonally be held responsible for the proper and faithful observance of the Standing Orders.

18. *Exhibition of Standing Orders.*—A copy of these orders in English and in Kannada shall be posted at the manager's office and on a notice board maintained at or near the main entrance of the establishment and shall be kept in legible condition.

SCHEDULE II.

FORM I.

(Industrial Employment (Standing Orders) Act, 1936).

(Section 3).

To

The Certifying Officer, Government of Mysore.

Sir,

Under the provisions of Section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft standing orders prepared by me for adoption in..... .....
(Name)
....

(Place) (Postal Address).

an industrial establishment owned/controlled by me, with the request that these orders may be certified under the terms of Act. I also enclose a statement giving the particulars preseribed in rule 5 of the Mysore Industrial Employment (Standing Orders) Rules 1951.

I am etc.,

.....

(Signature).....

Employer,
Manager.

FORM II.

(Notice under Section 5 of the Industrial Employment (Standing Orders) Act, 1946)

Office of the Certifying Officer,

Area place

Dated, the.....19 :

I, ...Certifying Officer..... area, forward herewith a copy of the draft Standing Orders proposed by the employer for adoption in the ..... industrial establishment and submitted to me for certification under the Industrial Employment (Standing Orders) Act, 1946. Any objections which the workman may desire to make to the draft standing orders should be submitted to me within fifteen days from the date of receipt of this notice.

.....

(Certifying Officer)

Seal

To

The Secretary,

.....Union,

Representative elected under Rule 6. Name.....

Occupation.....

Industrial Establishment.....

FORM III.

(Industrial Employment (Standing Orders) Act, 1946—Section 8)

Register Part.I

Industrial Establishment.

Serial No.	Date of the despatch of the copy of Standing Orders authenticated under Section 5 for the first time	Date of filing appeal	Date and nature of decision	Amendments made on appeal, if any	Date of the despatch of copy Standing Orders as settled on appeal	Any notice subsequently given or received on any amendment	Result

PART II.

(Should contain the authenticated copy of the Standing Orders).

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government Law Department.